

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Criminal No. 05-CR-10175-WGY-1
	)	
v.	)	
	)	
NADINE J. GRIFFIN,	)	
	)	
Defendant.	)	

UNITED STATES' CONSOLIDATED OPPOSITION TO  
DEFENDANT'S MOTIONS (#45, #48, & #49)

The United States, by and through its undersigned attorney, hereby files its Consolidated Opposition to Defendant's Motions (#45, #48, & #49). The United States objects to each of defendant's demands and requests set forth in her motions. The United States is prepared to respond more fully if the Court would find additional briefing helpful.

DUE PROCESS AND EQUAL PROTECTION CLAIM (DOCKET ENTRIES #45 & #49)

Defendant's allegations that (1) the Court has shown favoritism toward the United States Plaintiff (§§ 6 & 12 of defendant's motion) and (2) defendant has not been treated fairly by the Court and the Court will not follow the law, (§§ 7, 8, 9, 10, & 11 of defendant's motion) are in no way supported by the record and are totally frivolous. Accordingly, defendant's motions should be denied.

STATUTORY ATTORNEY CLAIM (DOCKET ENTRY # 48)

Defendant's claim that the undersigned attorney is a corporate statutory attorney and that the undersigned attorney's oath of office pursuant to 28 U.S.C. § 544 results in a binding contract between defendant and the undersigned are nonsensical and utterly frivolous.

Nevertheless, the undersigned attorney offers the following statements regarding the authority to prosecute this case. The undersigned attorney has been appointed pursuant to 28 U.S.C. § 515(a) and 28 C.F.R. § 0.13(a) to represent the United States in the District of Massachusetts in any legal proceeding, including grand jury proceedings, and to conduct such business on behalf of the United States that United States Attorneys are authorized to conduct, including presenting an indictment. See United States v. Morrison, 531 F.2d 1089, 1092-93 (1st Cir. 1976); see also United States v. Hawthorne, 449 F. Supp. 1048 (S.D. Cal. 1978) (discussing 28 U.S.C. §§ 515 and 543).

Defendant also alleges that failure to respond within three business days of receipt of her motion establishes an unconditional acceptance of her claims. Defendant's assertion has no legal authority. Local Rule 7.1 of the United States District Court for the District of Massachusetts establishes the deadlines for filing motions, unless otherwise directed by the Court.

Finally, as noted in previous filings by the United States, this Court has jurisdiction to hear this matter pursuant to 18 U.S.C. § 3231, despite defendant's assertions to the contrary.

WHEREFORE, the United States respectfully requests that the Court deny defendant's motions.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

\_\_\_\_/s/\_\_\_\_\_  
CHRISTOPHER J. MAIETTA  
Trial Attorney  
U.S. Department of Justice  
(202) 514-4661

Dated: February 16, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day, February \_\_\_\_\_, 2006, served upon the person listed below a copy of the foregoing document by mail:

Nadine J. Griffin  
151 Middle Road  
Center Tuftonboro, New Hampshire 03816

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Christopher J. Maietta